(Ireland.)

A

B I L L

For vacating the Contract between John North and the Commissioners for Rebuilding the Gaol of Newgate in Dublin, and indemnifying the said John North in consequence thereof.

WHEREAS the Grand Jury of the County of the City of Duhlin, in pursuance of the power and authority vested in them by an Act passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws relating to Prisons in Ireland," did, in Easter Term, in the year One thousand eight hundred and Thirty-seven, present the sum of Seventeen thousand Pounds, to he raised off the said County of the City of Dublin, and paid to William Smith, Esquire, the Treasurer of said County of the City of Duhlin, at the rate of Two hundred and Fifty Pounds sterling, each Easter and Michaelmas Term, towards rebuilding and improving the Gaol of Newgate, in the parish of Saint Michan's and County of the City of Duhlin; Two hundred and Fifty Pounds to be then raised, and a like sum each Michaelmas and Easter Term until the said sum of Seventeen thousand Pounds should be levied: Preamble. 7 Geo. 4. c. 74.

And whereas the said Presentment was duly fiated at said Easter Term in the year of our Lord One thousand eight hundred and Thirty-seven:

And whereas the said Grand Jury, having duly appointed Commissioners to carry said Presentment into effect, and to enter into a contract with such person or persons as might be disposed to contract for the rebuilding of the said Gaol of Newgate, and having procured plans and specifications of the proposed work, which were approved of

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by the said Grand Jury and by the Lord Lieutenant of Ireland pursuant to the said Act, did accordingly advertise in the public Newspapers circulating in the said County of the City of Dublin for any such person or persons as might be willing to contract for the rebuilding of the said Gaol, pursuant to the Plans and Specifications approved of by said Grand Jury and by the Lord Lieutenant: 5

And whereas a proposal was made to the said Commissioners by one John North to rebuild the said Gaol of Newgate, according to said Plans and Specifications, for a sum of Fourteen thousand Nine hundred and Sixty Pounds, being the lowest sum proposed for the 10 execution of the said work:

And whereas the said John North was thereupon declared the contractor for the execution of the said work, and such contract, after having been so approved of by the said Commissioners and Grand Jury, was transmitted to and approved of by the Lord Lieutenant of 15 Ireland:

And whereas, after the said contract had been entered into by the said John North, pursuant to the provisions of the said recited Act, but before any effectual steps had been taken to carry the same into effect, it appeared by the Report of the Inspectors General of Prisons 20 in Ireland, that by the completion of the Prisons within the County of the City of Dublin, for male and female convicts, the numbers of prisoners in the said Gaol of Newgate would become much reduced, and it has been deemed inexpedient to incur the expense of rebuilding the said Gaol of Newgate, as proposed by the said Presentment and 25 contract:

And whereas a Resolution to that effect was passed by the Grand Jury of the County of the City of Dublin in Michaelmas Term One thousand eight hundred and thirty-nine:

And whereas it is now inexpedient that the said Gaol of Newgate 30 should be rebuilt as proposed by the said presentment and contract, and it is advisable that the said contract with said John North should be rescinded; but the said John North having alleged that on the faith of the said contract he had entered into engagements with other persons for the supply of materials to be used in building the said Gaol, 35 and would sustain losses by reason of the non-fulfilment of the said contract, it is just and reasonable that he the said John North should be indemnified against any loss occasioned by the vacating of said contract in manner hereinafter mentioned:

And

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And whereas a reference has been made to Two of Her Majesty's Counsel at Law, as arbitrators, mutually chosen and appointed by the said Commissioners for rebuilding the said Gaol of Newgate, and by the said John North, for the purpose of considering all fair and just claims which the said John North may have by reason of the not carrying the said contract into effect, and the amount of compensation to be made to him in respect thereof:

And whereas certain instalments, of Two Hundred and Fifty Pounds each, of said Presentment of Seventeen Thousand Pounds have been already raised off the said County of the City of Dublin, and paid over by the Treasurer of the said County of the City of Dublin to the Collector of Excise of the Dublin District:

And whereas it is necessary to make adequate provision for the payment of such sum of money as may be awarded to the said John North for compensation in respect of the premises;

Be it therefore Enacted, by The QUEEN's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said Presentment so made for the rebuilding said Gaol, and the said contract so as aforesaid entered into by and between the said Commissioners appointed in Easter Term in the year of our Lord One thousand eight hundred and Thirty-seven by the said Grand Jury of the County of the City of Dublin, for rebuilding the Gaol of Newgate, on the one part, and the said John North, of the other part, for rebuilding the said Gaol of Newgate, and all contracts and agreements between the said parties relating thereto, shall be and the same are hereby declared to be absolutely null and void to all intents and purposes whatever.

1. The Presentment for rebuilding the Gaol of Newgate, and all Contracts between the Commissioners for rebuilding the said Gaol and John North, declared void.

And be it Enacted, That the award to be made by the said arbitrators so as aforesaid appointed to award such compensation as shall be justly and fairly due to the said John North for and in respect to any loss he may have sustained by reason of the vacating of the said contract, and not carrying the same into effect, shall be final and conclusive between the said Commissioners and the said Grand Jury and the said John North, to all intents and purposes whatever; and that when and so soon as the said arbitrators shall have made their said award, to be given under their several and respective hands and seals, and that the same shall be communicated to the Lord Lieutenant or other Chief Governor or Governors of Ireland, it shall and may be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being,

2. The amount of Compensation to be awarded to John North by Arbitrators appointed for that purpose, to be paid to him under the direction of the Commissioners of the Treasury out of the amount of Presentments heretofore made; and any surplus to be paid over to the Treasurer of the County of the City of Dublin, and any deficiency to be supplied by Grand Jury Presentment.

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being, to cause to be advanced to the said John North out of any monies that shall have been paid to the Collector of Excise of the Dublin district, for or on account of the said instalments of the said Presentment of Seventeen thousand Pounds, so as aforesaid made for rebuilding the Gaol of Newgate, so much as shall be equivalent to the sum awarded to the said John North for such compensation as aforesaid, in case the said monies shall be sufficient for that purpose; and in case there shall be any surplus, that the said Commissioners of Her Majesty's Treasury shall cause such surplus to be paid over to the Treasurer of the public money for the County of the City of Dublin, for the use of the said County of the City of Dublin; and in case the sum so awarded to the said John North shall exceed the amount of all the instalments then paid to the Collector of Excise for the said Dublin District, for and on account of said Presentment, that the whole amount of said instalments shall be paid over by said Commissioners of Her Majesty's Treasury to said John North, in part discharge of the amount of said award; and the balance of such account so awarded shall, on the certificate of the Secretary or Under Secretary of the Lord Lieutenant, ascertaining the same at the next presenting term after such award shall be made, be raised by Presentment by the Grand Jury of the said County of the City of Dublin off the said County of the City of Dublin, in like manner as Grand Jury Presentments are now made by any Act now in force for the raising of Grand Jury Presentments in the County of the City of Dublin.

3. If the Grand Jury refuse to present for ascertained balance, the Court empowered so to do.

And be it Enacted, That in case the Grand Jury of the county of the City of Dublin, at such presenting term as aforesaid, shall neglect, decline or refuse duly to present the said balance so ascertained as aforesaid, the court at such presenting term may and shall make an order, directing the sum which ought to have been so presented, to be raised and levied as if the same had been so presented, and such order shall have the force and effect of a presentment; and the Treasurer of the county of the City of Dublin shall insert the sum mentioned in such order in his warrant, and the same shall be applotted, raised, levied and applied in like manner to all intents and purposes as if the same had been duly presented by such Grand Jury.

4. Act may be altered this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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Newgate Gaol (Dublin).

(Ireland).

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B I L L

For vacating the Contract between John North and the Commissioners for Rebuilding the Gaol of Newgate in Dublin, and indemnifying the said John North in consequence thereof.

(Prepared and brought in by Mr. Solicitor General for Ireland and Lord Viscount Morpeth.)

Ordered, by The House of Commons, *to be Printed,*
6 *July* 1840.

447.

Under 1 *oz.*

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